

Legal help for juveniles under study

Los Angeles County supervisors order review of system for defending children accused of crimes.

BY ABBY SEWELL

Los Angeles County supervisors are considering an overhaul of the county's system for defending juveniles accused of crimes.

Under-age criminal defendants who can't afford a lawyer are generally represented by someone from the county public defender's office. But when that office is already representing another defendant in the case or a special circumstance arises, lawyers from a separate panel step in to remove the potential conflict of interest.

Advocates argue that the switch creates another problem: The private lawyers the county contracts with for these cases, known as panel attorneys, are paid less — a flat rate of \$200 to \$300 per case — and may not represent their clients as vigorously.

"Children charged with crimes are not only entitled to competent representation but an opportunity to avoid the prison pipeline if it is at all possible to do so," said Supervisor Mark Ridley-Thomas, who proposed the review.

At the supervisors' meeting Tuesday, Antonia Casas, 42, said her son, now 16, did not get a fair shot when he was charged with attempted murder in 2012. His appointed panel attorney did not fight to prevent him being tried as an adult, she said. Once sent to adult court, he faced 90 years in prison if convicted.

The alternate public defender who took the case at that point filed an appeal and succeeded in having the case sent back to juvenile court. There, Casas' son took a plea bargain and is now serving a nine-month sentence in juvenile camp.

"This is the difference between a good and bad lawyer," Casas said after the board hearing.

A Loyola Law School report released last year analyzed about 3,000 Los Angeles County juvenile cases and concluded that, on average, youths represented by panel attorneys got more severe convictions and heavier sentences than those repre-

sented by public defenders. The researchers also found that public defenders were more active than panel attorneys in filing motions, bringing in experts and seeking pretrial release of their clients. Critics have taken issue with the methodology, saying the analyses failed to consider factors besides the attorney that might have played a role.

A group of organizations and individuals — including Hollywood producer Scott Budnick and UC Irvine law school dean Erwin Chemerinsky — wrote to the supervisors before Tuesday's meeting, saying that the low flat fee "builds a perverse incentive into the county's indigent defense system."

A number of juvenile court judges wrote letters praising the panel attorneys. Pasadena Judge Robin Miller Sloan wrote that they often handle the most serious cases and "are committed to providing their clients with the best defense possible notwithstanding the flat fee they receive."

Supervisor Gloria Molina argued that the issue is about standards and accountability for juvenile attorneys, not compensation.

"Paying lawyers more does not get you better representation," she said. "I wish it did."

Attorney Gary Farwell, who was head of the juvenile panel at Kenyon Juvenile Justice Center until it closed last year, agreed that the county should review the resources allocated to juvenile representation, but defended the work of his colleagues.

"We have hardworking, devoted people who do far more than what they're paid on many cases," he said. "It's not the people who are the panel attorneys that are the problem. It's the system of resources available to the panel attorneys that's the problem."

The board voted unanimously to hire a consultant to look at attorneys' pay along with a broad set of other issues in the juvenile defense system.

The review will include looking at the compensation systems in other counties and the resources and training given to attorneys. It will also consider a set of guidelines for defense attorneys proposed by Michael Nash, presiding judge of the county's Juvenile Court.

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Abuse alleged at care homes

L.A. is suing a couple over treatment of residents at two unlicensed facilities.

BY RICHARD WINTON AND ANGEL JENNINGS

They were pitched as small, quiet homes for the physically and mentally disabled — safe places in the heart of Los Angeles' historic Adams district. But court papers paint a much grimmer picture of Agape Mission House and Agape Home Church.

Swarms of flies filled the living areas. Broken furniture was scattered, bedroom doors were missing and plaster was falling off the walls, according to court documents. Some residents slept in bunk beds crowded into small rooms with 1-inch pads instead of mattresses. One resident lived in a "storage room" and others in an attic.

On Tuesday, Los Angeles City Atty. Mike Feuer said his office had filed a lawsuit against the two unlicensed assisted-care facilities, accusing them of abusing their physically and mentally disabled residents by forcing them to live in "deplorable, overcrowded and substandard living conditions" and taking the residents' government benefits.

A Los Angeles County Superior Court judge last Friday appointed a receiver to immediately begin relocating residents from the homes in the 2200 block of South Hobart Boulevard with help from state and county officials.

"These residents are among the most vulnerable in our society and they were forced to live a daily nightmare," Feuer said. "We are bringing that nightmare to a close."

The suit names Kang Won Lee and Jung Hwan Lee, a husband and wife, as operators of the facilities, both registered as charities. Neither of the Lees could be reached for comment.

[Abuse, from AA1]

Residents were punished for failing to attend religious services twice a day, despite their individual beliefs, court documents said. The punishments included being made to stand by a tree for up to four hours, translate Bible verses for an entire day and sleep outside at night, the documents said.

"He calls himself pastor and does force all the residents to attend religious services," said Assistant City Atty. Jose Egurbid, adding that the two homes were packed with "as many as 80 residents."

According to court documents, Kang Won Lee bought one property and was cited in 2005 and 2008 for operating without a license. He subsequently obtained a license for six residents. Jung Hwan Lee acquired the second property in 2009 and never obtained a license for it, court papers said. They surrendered their sole license last year after repeated violations, records show.

Some residents stood outside the pale yellow house Tuesday on South Hobart Street, expressing shock over the allegations. They talked lovingly about Pastor Lee and his wife, who led the morning and night worship services. Henry Beasley, 56, said the strong Christian emphasis helped deliver him from years of substance abuse. Before he moved into Agape 2½ years ago, he was homeless, he said. But the "pastor's generosity and loving, kind heart" helped him turn his life around, he added.

Beasley, who is a praise leader, said he did not experience or see any mistreatment. "I never witnessed anything that was asked of a client that I wasn't willing to do," he said.

J.J. Thurman, 38, said Kang Won Lee sometimes yelled at residents and ignored patients who needed medical attention. But Thurman said he never saw any physical abuse. The men said they gave Kang Won Lee and his wife their monthly

government relief funds of \$221 and food stamp allowances of about \$200. They considered it the cost of living at Agape, they said.

Los Angeles police reported receiving more than 180 calls from January 2011 to October 2013 related to the properties, including a dozen attempted suicides, numerous assaults and batteries, and assault with a deadly weapon.

Inspections by the California Department of Social Services Community Care Licensing Division from 2010 to this year found one home in repeated violation of state laws. The city issued several abatement notices to the second property.

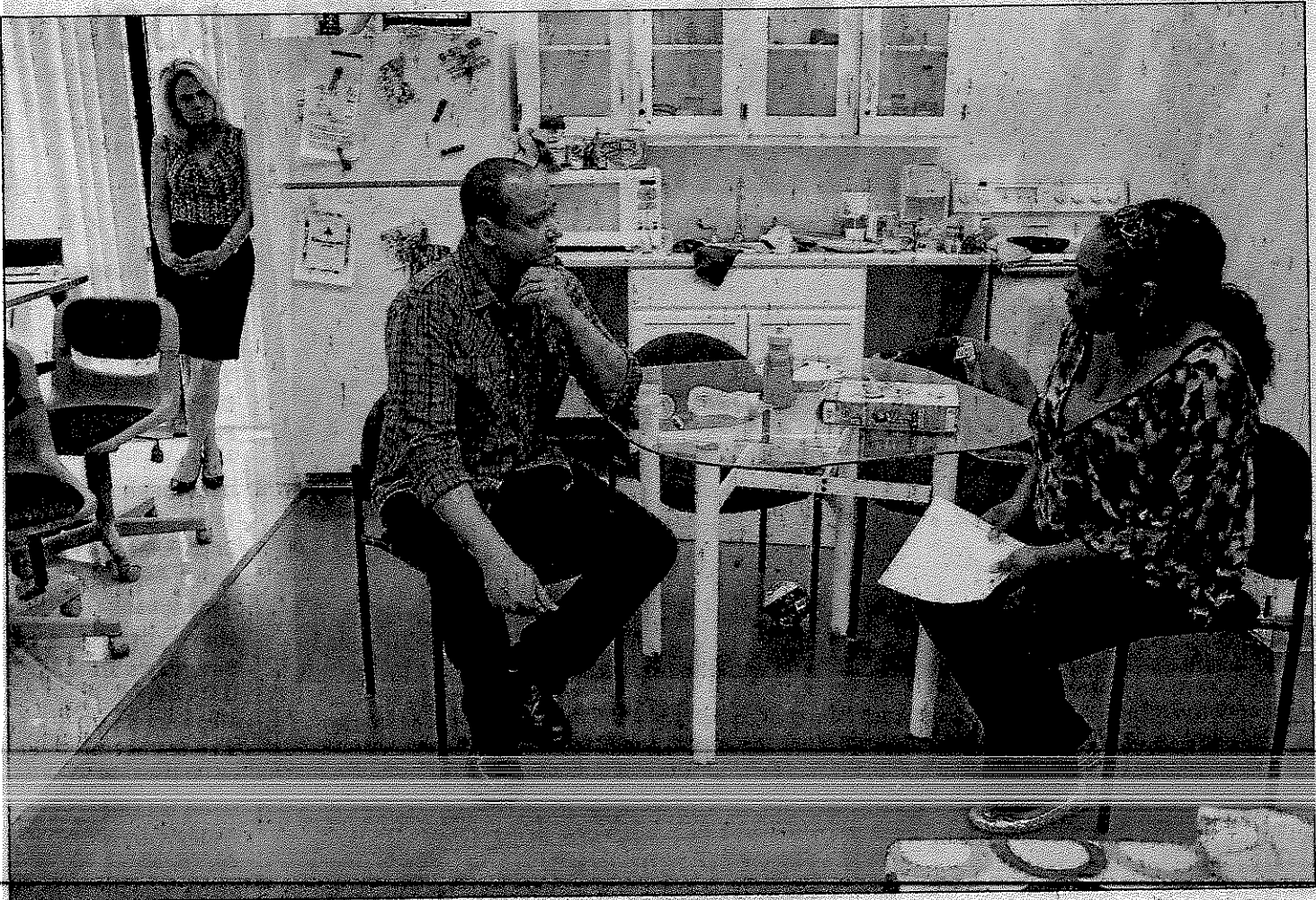
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LAWRENCE K. HO/Los Angeles Times

RESIDENTS WALK past the Agape Mission House and Agape Home Church in the 2200 block of South Hobart Boulevard. A city lawsuit says punishments included being made to stand by a tree for up to four hours and sleeping outside.

DCFS GETTING SERIOUS ABOUT TRAINING



The Los Angeles County Department of Children and Family Services is improving the way it provides services to the county's most vulnerable. Trainer Beth Minor, left, observes as social worker Angela Poole and law enforcement consultant Warren Odatje participate in a mock home visit Friday. PHOTOS BY ANDY HOLZMAN STAFF PHOTOGRAPHER

A CLOSER LOOK

Taking action: DCFS plans to hire 450 social workers — bringing the total to 1,450 — and overhaul training.

Prepared: The department requires social workers to have a master's degree and undergo 52 weeks of training.

Research: People typically retain from 5 percent to 10 percent of what they learn through reading and lectures, and 80 percent to 90 percent of what they practice in simulation.

IT'S MORE THAN JUST KID STUFF

Roll-playing helps rookie social workers recognize when children may be in peril

By Christina Villacorte » christina.villacorte@langnews.com

Entering a home where a father may have broken his baby's arm in a drunken rage, the rookie social workers tried to ease the anxiety of family members. "I'm with the Department of Family and Children's Services," one of the workers told the sullen man who opened the door, incorrectly stating the name of their agency. "Another rookie sat on a couch in a cluttered living and dining room, but didn't notice scissors on a coffee table, which could have been used as a weapon.

Fortunately, no one was in real danger. "The 'home' is a simulation laboratory where trainers from the county's Department of Children and Family Services can collaborate with teachers from various universities as well as law enforcement and legal consultants to help the next generation of social workers. "It's OK to make mistakes here," academy instructor Beth Minor told a class as she stood next to a prop refrigerator with a whisky bottle and flier for Alcoholics Anonymous. "When you go out in the field and it counts, we want you to take the



Family therapist intern Zara Miduryan shows her ID while taking part in a mock home visit in the simulation lab at Cal State L.A. on Friday. Social workers must now undergo 52 weeks of training, including mock situations in this simulation lab at the university.

"When you go out in the field and it counts, we want you to take the lessons that you learned here, and apply them."

— Beth Minor, academy instructor

DCFS

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The brutal killing of Gabriel Fernandez in May in Palmdale underscored the need for better care from the department. The 8-year-old boy was tortured to death, allegedly by his mother's boyfriend, after social workers dismissed previous reports of beatings as "unfounded."

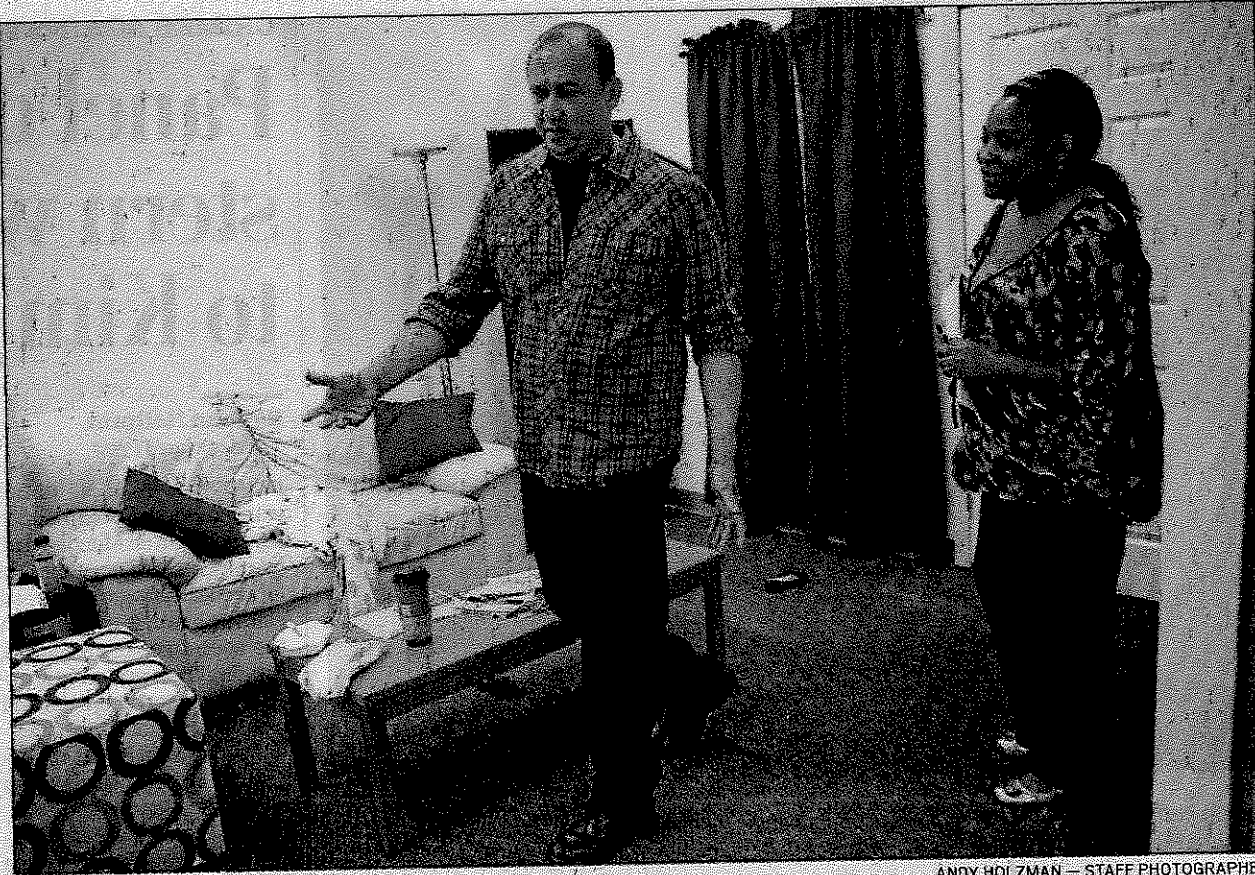
The boy suffered a fractured skull, broken ribs, bruises and cigarette burns on his skin, teeth knocked out of his mouth, and BB pellets were found in his lung and groin.

DCFS Director Philip Browning had been preparing to implement sweeping reforms when the tragedy struck. By August, Browning had initiated a plan to hire 450 social workers — bringing the total to 1,450 — and overhaul training to better serve the 35,000 children who are wards of the department.

"In the past, we just had an eight-week classroom, PowerPoint sort of thing," Browning said. "But we know we can't just take someone out of the schools of social work, give them a PowerPoint presentation, and expect them to do a good job."

The department requires social workers to have a master's degree and undergo 52 weeks of training.

Cal State Los Angeles agreed to build a 440-square-foot residential simulation laboratory with a facade, living and dining room adjacent to the



ANDY HOLZMAN — STAFF PHOTOGRAPHER

Law enforcement consultant Warren Ondatje plays the role of a parent as L.A. County social worker Angela Poole makes a mock home visit in the simulation lab at Cal State L.A. The laboratory includes a facade, living and dining room, kitchen, bathroom and closet.

kitchen, bedroom, bathroom and hallway closet for about \$17,000. University officials also allowed trainers to use a second simulation lab, resembling a hospital room, that was built years ago for medical courses.

"The simulation is the cornerstone of the new training," said Harkmore-Lee, director of Cal State Los Angeles' Child Welfare Training Center and a former social worker. "This is where their learning becomes concrete, and also where we can assess whether they're getting it or not."

Research has shown that

people typically retain from 5 percent to 10 percent of what they learn through reading and lectures, and 80 percent to 90 percent of what they practice in simulation, said James Ferreira, Cal State Long Beach's Child Welfare Training Center director.

"When they're fully engaged, learning grows exponentially," Ferreira said.

During a recent training simulation, sheriff's Deputy Warren Ondatje played the role of the abusive father. He tried to intimidate the rookie social workers by standing too close, respond-

ing brusquely to questions and even trying to slam the door in their faces or to drag them roughly forward by their lanyards. His mission was to emphasize the need to stay safe and be prepared for anything.

"The personality of a possible abuser is going to change," Ondatje said. "They could be very cooperative and charming and good, and then — all of a sudden — act like someone who's being backed into a corner."

Sheriff's Deputy Troy Jackson put on scrubs to portray a nurse who alerted the DCFS to a suspicious

injury suffered by a baby brought to the emergency room. Interviewed by a rookie social worker, he responded that the baby was "crying so hysterically that we actually had to sedate her" and that the father's breath reeked of alcohol.

During the debriefing, Jackson said the questions should have been more probing.

"(The social worker) didn't really ask me about the baby's fracture, like 'What kind of fracture is it? How could a baby get it? Could her 8-year old sister really have done it, as their

father claimed?'"

"It's a key training point that should sink in," Jackson said. "After this lesson, they'll realize, 'I should have asked that, I should have done this, I need to ask more questions.'"

DCFS attorney Tammy Pruitt acted as the distraught mother and seemed on the verge of tears when interviewed by the rookie social workers, wringing her hands and occasionally raising her voice in panic.

"I try to provide some realism, without being too over the top," Pruitt said with a smile, adding she mimics behaviors observed over years of working as a trial lawyer in child abuse and neglect cases.

"The (rookie social workers) will get instructed on policy ad nauseam when they go to the academy," Pruitt said.

"We're trying to provide the legal perspective — how to do their jobs lawfully so that parents and children's rights are respected."

Angela Poole of Sylmar, who became a social worker only two weeks ago, appreciated the comprehensive coaching.

"I feel so prepared," Poole said. "They cover every facet of what I would be required to do when I go to a home to protect a child."

Amanda Townsend of Los Angeles, also a newbie, noted the training emphasized partnering with families.

"This is teaching us to put biases aside and really try to work with the families and gather the facts," Townsend said. "I think, as long as you do that, it puts you in a better position to help people."



To help foster youth
Supervisors Antonio
foster youth in all

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internship program for

"Internships are a vital tool in the development of career opportunities for young people—especially transition-age youth who can benefit from the training and guidance necessary to grow and succeed in the job market and in life," said Supervisor Antonovich.

The Career Development Internship Program provides 12 to 24 months of structured, on-the-job training and permanent employment for those young women and men who complete the program.

PUBLIC SAFETY UPDATE



The Governor's criminal realignment policy continues to pose great safety, operational, and fiscal challenges for all 58 counties as property crimes rise statewide. Over 18,410 offenders have been sentenced to Los Angeles County jails instead of state prison and over 20,000 state parolees have been shifted to County Probation supervision since October 1, 2011.

Jail Population as of January 10, 2014:

5,805 state prisoners are serving their sentences in county jail.

More than 530 inmates have been sentenced to jail terms of five years to 42 years in county jail meant to house inmates for less than one year.

Probation Population:

Eligibility does not consider full criminal history it only considers the very last offense.

Mentally-disordered offenders were not supposed to be eligible for probation supervision.

However, the state has re-classified these offenders in some cases to make them eligible just prior to release from prison – we have 17 such cases in the county. More recently, certain 3-strikers and offenders convicted of assault with a deadly weapon are also eligible for probation supervision.

As of January 10, 2014:

- 10,965 - 63.3% are high risk offenders
- 6,076 - 35.1% are medium risk offenders
- 246 -1.4% are low risk offenders
- 611 are registered sex offenders
- 1,142 have been turned over to the federal authorities for deportation
- 24,742 arrests were made for new offenses (some were arrested multiple times)
- 326 are on electronic/GPS monitoring—which does not prevent or deter crime

The Governor failed to expand existing contracts with in-state and out-of-state detention facilities in order to avoid implementing realignment and the increased crime that followed after its implementation. The operation and fiscal burden imposed on the 58 counties was unnecessary given the availability of cost-effective solutions to protect public safety.

**DECEMBER D.I.S.A.R.M. SWEEPS NET 47 PROBATIONERS,
6 WEAPONS, AND \$1 MILLION IN ILLEGAL DRUGS AND MONEY**



During the month of December, Los Angeles County D.I.S.A.R.M. officers arrested 47 probationers and confiscated six weapons including four handguns, an assault rifle, and over \$1 million in illegal drugs and money, announced Supervisor Michael D. Antonovich.

In conjunction with local law enforcement, 31 searches were conducted of probationers who, as a condition of probation, are subject to unannounced searches targeting guns, drugs, and other contraband.

Nearly 24 percent of probationers searched in this program have been found to be out of compliance with the terms of their probation.

GPS alerts overwhelm Probation

System meant to track felons bombards officers with email

By PAIGE ST. JOHN

SACRAMENTO — Electronic monitoring was supposed to help Los Angeles County deal with the influx of thousands of felons moved out of California's prison system to ease overcrowding.

The nation's largest probation department strapped GPS ankle monitors on the highest-risk of those convicts, expecting the satellite receivers to keep tabs on where they spent their days and nights, and therefore keep the public safe.

Instead, agents are drowning in a flood of meaningless data, masking alarms that could signal real danger.

County probation officers are inundated with alerts, and at times received as many as 1,000 a day. Most of the warnings mean little: a blocked signal or low battery.

The messages are routinely ignored and at times have been deleted because there were so many, officers say.

Auditors making a spot check last fall found more than a dozen cases in which officers failed to notice that the devices were dead and probationers roamed unmonitored, some for weeks.

"If we keep getting false positives, we're not going to know the real one that means danger," said John Turek, a vice president for the Assn. of Probation Supervisors.

California's statewide system for [See GPS, A20]

GPS, from A1] monitoring sex offenders sends out as many as 40,000 alerts each month to state parole agents.

The consequences of ignoring such warnings can be disastrous.

In upstate New York, federal probation officers deluged with false alarms opted to disregard tampering alerts that cleared themselves within five minutes.

Because of that, no one noticed last year when a man facing child pornography charges broke the strap of his monitor and duct-taped it back together. The man left the still-operational device at home, then traveled across town and raped a 10-year-old girl and stabbed her mother to death.

A U.S. District Court judge in New York released a report in April noting that probation officers in 12 of the nation's 94 federal court districts routinely ignored short-term alerts. Federal court officials ordered the practice stopped.

In Colorado last year, officers dismissed days of tampering and dead battery alerts from a parolee's GPS monitor. The man had slipped out of the device strapped to his ankle and killed a pizza delivery man and the state's corrections chief, authorities said. The fugitive was shot and killed days later while attempting to flee police in Texas.

Proponents of GPS technology say improving the system is a matter of better training, smaller caseloads and more effective technology to filter the flood of data.

Steve Logan, chief executive of Satellite Tracking of People, which monitors California sex offenders, said GPS tracking should not be seen as a panacea.

Electronic monitoring is "a tool ... not a silver bullet, but a really, really good tool," Logan said.

But some national GPS experts and parole officers say there are so many technological problems with GPS monitoring that it will never be as secure as officials promise.

When these alerts are in the tens of thousands, it

seems like an unwinnable situation," said Matthew DeMichele, a former researcher for the American Probation and Parole Assn. and coauthor of the Justice Department's guide on electronic monitoring.

"In some ways, GPS vendors are selling law enforcement agencies, politicians, the public a false bag of goods," he said.

The data overload disclosure comes as nearly every county in California is preparing for a massive expansion of the "virtual jail" — the use of GPS to track criminals on the street rather than incarcerate them.

The growth is being driven by a federal court order requiring the state to reduce prison crowding. In two years, California has shifted more than 100,000 state inmates and parolees to local control.

The influx has required the release of lower-level criminals to make room, meaning county probation departments must monitor an increasingly dangerous population.

Last year, then-L.A. County Sheriff Lee Baca solicited bids from GPS tracking companies to monitor as many as 3,000 offenders released from jail, while the county Probation Department is using GPS to track hundreds of felons released from prison. Riverside County has approved \$1 million to monitor up to 600 criminals.

California began using GPS tracking in 2008, when voters passed Proposition 47, requiring round-the-clock monitoring of serious sex offenders. More than 8,000 state parolees continue to be tracked under that law.

The basic systems involve a device strapped to a person's ankle. The monitor picks up satellite signals and transmits location information over cellular networks to a central computer.

The system is designed so that an alert is sent out if an offender tries to remove the device or enter a forbidden area, such as a school or park. But notifications go out for a variety of routine reasons, as well: GPS signals

are blocked by buildings, batteries run down, cases crack and straps come loose.

There is no easy way to distinguish the cause of a notification. A prolonged lost signal might mean an escape or merely a signal blockage inside a mall.

Field tests by California corrections officials in 2011 showed the devices used to track nearly half of the sex offenders in the state reported no signals 55% of the time — blind spots the manufacturer attributed to buildings, cars and trees.

In most cases, each event prompts an alert to the supervising officer.

The number of emails is compounded by another stream of data: The county Probation Department sets its system to trigger an alert whenever a device passes a school or park.

More than 4,800 prohibited areas are designated in L.A. County, about one every square mile. That makes it difficult for an offender to go anywhere without causing a string of alerts — a total of 7,500 messages generated by about 300 probationers each month.

"Just riding the Red Line would set off 10 alerts, passing schools on the way," said Turek, the union official who also works as a county probation supervisor.

One recent log showed that 65 offenders racked up 135 alerts in a single overnight shift. None resulted in an officer's response, and the probation office wrote off one felon's string of seven tamper alerts as a possible equipment malfunction.

The email overload was made even worse because of a policy that until recently required all alerts to be sent to every probation officer supervising someone via GPS.

The combined effect, department administrators said, was that deputies on some days were greeted by more than 1,000 new alerts in their email in-boxes.

"If the probation officer receives thousands of emails for every probationer in the county, he will delete them all without reading any," said one deputy who did not want to be identified be-

cause he was not authorized to speak on the issue.

A department audit in September documented numerous cases in which alerts went unheeded. Officers, according to the audit, were unaware their charges were not being tracked for days at a time. One offender went untracked for 45 days.

Reaver Bingham, deputy chief of the county Probation Department, said most officers try to discern the most serious messages in the flood and focus on those.

In November, the county stopped blasting out group alert messages to reduce the email overload. Still, the system generates more than 20,000 messages a month.

Sentinel Offender Services, the Irvine-based firm providing L.A. County's GPS monitoring system, refused to comment on the program. However, in a 28-page corrective action plan sent to the county in November, Sentinel's chief business development officer, Mark Contestabile, discussed "the onslaught" of alerts.

The frequency of the alerts is "overwhelming to the officer," Contestabile wrote. "This is an area of the program that must be addressed as we move forward in program development."

Dwight Thompson, a field rep for the union representing county probation officers, said reducing the number of alerts won't solve all the system's problems.

Officers, he said, rarely have the time to check out even a lower number of alerts. "How do you drop everything else to find out why" an alarm has gone off, Thompson said.

And he said probationers are well aware there is seldom a response when a device does go off. The department lost 80 offenders in 2013 who cut off their GPS monitors and disappeared.

"If a person's not being properly monitored or supervised, then what's going to stop them from taking it off and leaving?" Thompson asked. "If they take it off, what was the point of putting it on?"

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